IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 913 OF 2005

IN

WRIT PETITION NO. 12 OF 2005

SHRI VIVEK KUDCHADKAR, BICHOLIM GOA. ....Applicant

Versus

STATE OF GOA THROU' ITS CHIEF SECRETARY & 3 ORS., ...Respondents

Mrs. A. A. Agni, Advocate for the Applicant.
Shri S.S. Kantak, Advocate General with Ms. R. Chodankar, Addl. Govt. Advocate for the Respondents.

Coram:- D. D. SINHA &
N. A. BRITTO, JJ.

Date:- 7th December, 2005

P.C.:

Heard Mrs. Agni, learned counsel for the applicant and learned Advocate General for the State.

Misc. Civil Application No.913/05 is moved by the applicant seeking direction to the respondents to consider the petitioner for redeployment to the post of Junior Engineer (Mechanical) available in the Public Works Department during the pendency of the petition without prejudice to the rights of the petitioner as well as respondents.

The learned Advocate General, on the other hand, states that the interim direction sought is in the nature of final relief and therefore this Court may not grant final relief at the interlocutory stage and may not show any indulgence in the present civil application. It is no doubt true

that in the main petition, similar directions were sought by the petitioner in the form of final relief and therefore in the normal set of circumstances, the Court should not issue interim order in the form of final relief. However, in the instant case because of the peculiar facts and circumstances and in the interest of justice, we feel it proper to direct the respondents to consider the claim of the petitioner referred to hereinabove for redeployment if the petitioner is otherwise qualified, eligible and can be considered for redeployment according to the procedure applicable in this regard as and when the occasion arises. Needless to mention that the above referred directions given to the State Government is without prejudice to their rights in the Writ Petition.

With these observations and directions, the Misc. Civil Application is disposed of.

D. D. SINHA, J.

N. A. BRITTO, J.

sl.